

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

REBECCA LOWERY	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:09CV427 LG-RHW
	§	
MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY	§ § § §	DEFENDANT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND
RECOMMENDATION AND GRANTING MOTION TO REMAND**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker in this cause, entered December 21, 2010. Magistrate Judge Walker reviewed the Plaintiff's Motion [18] to Reverse or Remand the decision of the Commissioner of Social Security denying her benefits, as well as all related records and briefing by the parties. He determined that it was necessary to remand the case to the ALJ for further consideration and/or development of the medical record. Neither party filed an objection to the Magistrate Judge's conclusions or recommendation. In these circumstances, the Court must review the findings and recommendation to make certain they are neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful review of the findings and recommendation, Court finds none that are clearly erroneous or contrary to law. Therefore, the Magistrate Judge's Proposed Findings of Fact and Recommendation will be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H.

Walker entered in this cause on December 21, 2010 should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Motion [18] to Reverse or Remand is **GRANTED**. This case is hereby **REMANDED** for further administrative action consistent with this Court's findings.

SO ORDERED AND ADJUDGED this the 21st day of January, 2011.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE